

CHAPTER 3

ARTICLE 2, HEALTH AND SAFETY PROGRAM

EFFECTIVE FEBRUARY 6, 1990

[Sections 31020.1 through 31020.6 are unchanged]

[Under Article 2, existing Sections 31020.6.1 through 31020.6.1.6 are relocated to Chapter 3, Article 4, where they are amended and renumbered Sections 31040.4.6 through 31040.4.8]

Section number 31020.6.1 is reserved for future use.

31020.6.1 *(Reserved)*

[Sections 31020.6.2 through 31020.6.3 are unchanged]

[Under Article 2, existing Sections 31020.6.4 through 31020.6.4.15 are relocated to Chapter 3, Article 4, where they are amended and renumbered Sections 31040.4.9 through 31040.4.23]

Section number 31020.6.4 is reserved for future use.

31020.6.4 *(Reserved)*

[Under Article 2, existing Sections 31020.6.5 and 31020.6.5.1 are relocated to Chapter 3, Article 4, where they are amended and renumbered into Section 31040.4.24]

Section number 31020.6.5 is reserved for future use

31020.6.5 *(Reserved)*

[Sections 31020.7 through 31020.10 are unchanged]

CHAPTER 3

ARTICLE 4, EMPLOYEE WELLNESS PROGRAMS

Effective January 16, 2008

[Sections 31040.1 through 31040.4.5 are unchanged]

[Sections 31020.6.1 through 31020.6.1.6 under Article 2, are relocated under Article 4, where they are amended and renumbered Sections 31040.4.6 through 31040.4.8]

[Existing Sections 31040.4.6 and 31040.4.7 are relocated and renumbered Sections 31040.4.25 and 31040.4.26 respectively]

31040.4.6 EAP

Revised June 22, 2011

The Employee Assistance Program (EAP) is provided by the State of California and administered by the Department of Personnel Administration (DPA) as part of the State's commitment to promoting employee health and well-being to all State employees.

The EAP is available to assist employees and their eligible family members in identifying and gaining control over personal problems which can, and often do, affect both family life and job performance. The EAP is both voluntary and confidential.

Services

Employees and their eligible dependents shall be able to access services through a toll-free number, 24 hours a day, 7 days a week, 365 days a year.

Employees who are appointed full-time or part-time regardless of their bargaining unit designation are eligible for EAP services. Contracted employees on State payroll who are eligible for benefits are eligible for EAP services. An employee, their spouse/registered domestic partner, and eligible dependents are entitled to receive a specified number of sessions per contract year.

The State of California contracts directly with a provider for EAP services. There is no cost to the employee or their family members for the initial authorized sessions if the employee/Department uses the contracted provider. The level of service and number of counseling sessions per contract year for which an employee is eligible, is determined by the bargaining unit to which the employee belongs.

Confidentiality

Confidentiality is strictly maintained as required by law.

The legal exceptions are the same as those that guide all clinicians:

- When authorized by written consent of the employee.
- If a member expresses intent to commit child or elder abuse, or expresses plausible suicidal or homicidal intent.
- If a court order (subpoena) requires a clinician to reveal otherwise confidential information.

EAP Referrals

There are three ways that EAP services can be assessed:

Self-Referral

This type of referral occurs as a result of an employee recognizing a problem in either his/her own or a dependent's life. As a result of this recognition, the employee may contact the service provider for assistance.

Informal Referral (Supervisor Recommendation)

This type of referral occurs when the supervisor recognizes an employee struggling with a personal problem; or if the employee has asked for assistance in solving a problem. The supervisor or manager may suggest that the employee contact the EAP.

Formal Supervisor Referral

A formal referral is utilized when there is no improvement in an employee's work performance or other areas of deficiency which were discussed in their informal corrective meeting. The supervisor will work directly with the contractor's Management Consultant (MC). The MC will advise the supervisor of the best way to approach the employee regarding the EAP. In addition, the MC will provide guidance to help the supervisor prepare a formal letter and meet with the employee to present the problem and the expectations. Participation in this program is still voluntary. A Supervisor's Handbook is available from departmental EAP Coordinators. The handbook provides specific guidelines for making a formal supervisory referral.

Use of State Time

The Department allows state time off for an employee to consult with the EAP clinician up to two sessions following the acceptance of a formal supervisory referral. This shall be documented on STD form 998 as "administrative time off."

For all other referrals, the employee shall be granted the time off required through the use of earned leave credits. However, the employee shall make every attempt to arrange EAP counseling outside of work hours.

31040.4.7 Departmental EAP Coordinator's Responsibility

Revised June 22, 2011

The departmental EAP coordinator is the Office of Employee Wellness (OEW). The OEW is responsible for establishing and maintaining the CDCR's Employee Assistance Program and shall:

- Implement, promote, and manage the CDCR's EAP.
- Provide assistance to EAP coordinators statewide pertaining to specifications of the EAP.
- Coordinate EAP training and orientation sessions, as needed.
- Act as a liaison with other appropriate agencies.
- Ensure that a separate contract between CDCR and the contractor is in place for Critical Incident Stress Debriefings and special fee-for-services trainings.

31040.4.8 Local EAP Coordinator's Responsibility

Revised June 22, 2011

Under the appointment of the hiring authority, the local EAP coordinator shall:

- Coordinate and administer EAP at their designated location and consult with OEW regarding policies and procedures.
- Provide assistance and training to employees in all aspects of the EAP program.
- Ensure complete confidentiality of all information obtained from and about employees and their family members.

[Sections 31020.6.4 through 31020.6.4.15 under Article 2 are relocated under Chapter 3, Article 4, where they have been amended and renumbered Sections 31040.4.9 through 31040.4.23]

31040.4.9 Peer Support Program (PSP)

Revised June 22, 2011

Employee involvement in specific violent, work related situations may cause serious physical and/or emotional trauma to the employee.

Immediate intervention and counseling has been shown to alleviate many trauma-related problems and to help the employee remain fully productive.

To minimize the effect of trauma, the PSP shall provide assistance by PSP team members and if needed, facilitate referrals for counseling by non-departmental licensed mental health professionals who are Psychological First Aid (PFA) trained for the following situations:

- Physical assault.
- Sexual assault.
- Hostage incident.
- Causing serious injury/death to person(s).
- Direct involvement in critical incidents.

PSP shall:

- Provide specific intervention services and resources.
- Provide professional non-departmental counseling services in a timely manner that meets the employee's needs.
- Train and inform all staff of the goals, operation, and use of the program.

Counseling Services

Professional counseling services to assist employees in post trauma situations are provided through the Office of Employee Wellness (OEW).

Employee's Workers' Compensation Benefits

The Peer Support Program is separate and distinct from Employee's Workers' Compensation Benefits as defined in DOM Section 31020.7.5.1 which shall be followed to provide eligible employees with benefits.

31040.4.10 Immediate Counseling Services

Revised June 22, 2011

Immediate counseling is available 24-hours-a-day through the departmental Employee Assistance Program (EAP) to all CDCR staff by using the toll free telephone number.

The caller shall:

- State they are an employee of the Department and their call is of an emergency or crisis nature.
- Be connected via telephone immediately with a licensed clinician. The EAP call center may arrange for a personal visit with a PFA trained counselor.

The caller may contact OEW to assist with facilitation, if needed, during normal business hours.

31040.4.11 Post-Incident Counseling

Revised June 22, 2011

OEW will provide a non-departmental licensed mental health professional who is PFA trained to debrief and assist staff following an incident, upon request. OEW will incur the costs associated with providing the counselor.

31040.4.12 Continued Care

Revised June 22, 2011

Continued psychological care is available on a voluntary basis through the EAP. The employee can choose to continue to see the same PFA trained clinician or may elect another licensed

mental health professional using their EAP benefits. The employee's eligible family members also have the option of utilizing the same clinician using their EAP benefits.

31040.4.13 Contracting for Services

Revised June 22, 2011

OEW shall maintain the master contract for the Department to provide non-departmental licensed mental health professionals who are PFA trained to debrief and assist staff following an incident.

31040.4.14 Team Leader Designation

Revised June 22, 2011

The PSP Team Leaders shall be designated as follows:

- Department and Headquarters - OEW.
- Facilities - As designated by the Warden, Hiring Authority, or Superintendent. Crisis Response Team (CRT) leaders and members are not eligible.
- Parole offices - As designated by the Regional Parole Administrator (RPA) in each region.

31040.4.15 Teams

Revised June 22, 2011

Each PSP team shall be comprised of ten or more staff with appropriate interest and skills. CRT leaders and members may be PSP members. However, CRT activations take priority over PSP call outs. Therefore, teams shall be adequately staffed to ensure coverage if CRT is activated simultaneously.

The headquarters' team shall include staff from each headquarters' location.

Parole regions shall form their teams from unit supervisors (coordinators) or other designated staff members.

At management's discretion, more members can be added consistent with the size of the facility, parole region, division, or office.

The team shall have both male and female members.

31040.4.16 Administrative Responsibility

Revised June 22, 2011

Each Warden, RPA, and Director/Assistant Secretary shall:

- Ensure that a local PSP program is available and used in the employee's and Department's best interests.
- Appoint Administrator, at the minimum level of a manager, responsible for oversight of the local PSP.
- Appoint PSP Team Leader and Co-Leader.
- Appoint PSP team.
- Ensure coordination between OEW, the PSP, the Return to Work (RTW) Coordinator, the EAP coordinators and other program resources.

- Ensure the PSP Team Leader and team receives OEW approved training.
- Provide cell phone/BlackBerry for PSP Team Leader, and pagers as appropriate/available, for all team members.
- Maintain PSP team roster and contact information.

31040.4.17 Departmental Coordinator Responsibility

Revised June 22, 2011

The OEW is the departmental PSP coordinator and shall:

- Execute and maintain the master contract to provide non-departmental licensed mental health professionals who are PFA trained to debrief and assist staff following an incident, if necessary. OEW will incur the cost associated with providing the counselor.
- Provide assistance to all PSP Team Leaders in establishing and administering effective programs.
- Provide training for PSP Team Leaders.
- Provide liaison with appropriate agencies.
- Assist area PSP Team Leaders, committees, and management in the solution of trauma-related problems.
- Ensure strict confidentiality of the employee's personal information.
- Collect statistics and other pertinent data to monitor program effectiveness.
- Prepare an annual report summarizing the progress and effectiveness of the program.

31040.4.18 Supervisor's Responsibility

Revised June 22, 2011

In the event of a trauma causing incident the supervisor shall:

- Notify the Watch Commander/Administrative Officer of the Day (AOD)/RPA/Superintendent of the incident and request that PSP be activated.
- Provide relief for the involved employee(s).
- Remove the employee from the incident area.
- Assign another staff member, preferably PSP trained, to stay with the employee throughout the post trauma activities. At no time shall the employee be left alone.
- Assist the PSP Team Leader as requested.
- Prepare the documentation required by DOM Section 31020.7.5 if the employee is injured or believes an injury/illness is the result of the incident.

31040.4.19 Team Leader's Responsibility

Revised June 22, 2011

The PSP Team Leader shall:

- Assist the Warden, RPA, Superintendent, and Director/Assistant Secretary in determining the composition of PSP team.
- Ensure that an updated list of PSP team members and contact information is provided to the Warden, RPA, Superintendent, Watch Commander, AOD, and OEW.
- Provide on-going training to PSP team members.
- Upon activation, notify administration of the incident and that PSP is responding.
- Help determine which members will respond to the location designated.
- Deploy team members to assist the employee to understand the situation and give information and assistance to meet their needs.
- Instruct team members to advise the employee that:
 - Information relating to their personal feelings shall be confidential.
 - If information relates to safety and security of the facility or community and may lead to adverse action they have a right to representation.
- Ensure the employee is informed regarding medical referral programs, EAP, Workers' Compensation Benefits, and RTW program.
- Notify the administration immediately if professional intervention is requested or deemed appropriate. (Refer to DOM Section 31040.11)
- Notify the EAP Coordinator and OEW of the incident.
- Consult with OEW to triage Critical Incident Stress Management (CISM) methodology.
- Contact the employee at least once after the initial debriefing or until contact is no longer needed.
- Complete a confirmation of assistance form and forward to the EAP Coordinator.
- Record incident into PSP call out log and forward to OEW on monthly basis.

Debriefing

The debriefing of the PSP team members shall be held as soon as possible and prior to the team member(s) going off duty unless physically or medically infeasible.

If the PSP Team Leader is unavailable, a previously designated and trained team member shall assume the responsibilities.

The employee shall be given detailed information about:

- EAP.
- The Employee's Workers' Compensation Program (DOM Section 31020.7.5.1)
- Listing of hospitals.
- Community resources including crisis intervention, rape counseling, hotline numbers, and support groups.

The pertinence of these services shall be explained.

31040.4.20 Employee Responsibility

Revised June 22, 2011

The employee shall:

- Leave the area where the incident occurred as directed by the supervisor.
- If desired, participate in an individual or group critical incident stress debriefing with a non-departmental licensed mental health professional who is PFA trained.

If an employee feels that their injury or illness is work related and is preventing the employee from maintaining a satisfactory work performance, the employee shall:

- Notify their supervisor.
- Fill out the appropriate forms and documentation to initiate workers' compensation procedures.

31040.4.21 Limited Term Light Duty Assignments

Effective June 22, 2011

Temporary limited term special assignments may be made and shall be governed by Department Regulations and Policy. (Refer to DOM Section 31040.3.1)

31040.4.22 Return-to-Work

Revised June 22, 2011

The emphasis of the PSP shall be to provide the employee with the resources and assistance they need to facilitate their return to work.

All alternatives provided by GC Section 19991.4 shall be followed where appropriate. The time frames and provisions of the Employee's Workers' Compensation RTW program shall be followed. (Refer to DOM Section 31020.7.5.1.)

31040.4.23 Peer Support Program Training

Revised June 22, 2011

The Office of Employee Wellness shall:

- Provide training to the PSP Team Leaders.
- Provide lesson plans to the PSP Team Leaders to utilize for training the team members.
- Ensure all PSP team members receive 16 hours of annual training.
- Provide updates regarding any changes to the PSP and laws relating to the PSP to the PSP Team Leader.
- Facilitate participation of Managed Health Network (MHN) Counselor at training, when requested by PSP Team Leader.
- Provide PSP curriculum for New Employee Orientation (NEO).

The PSP Team Leader shall:

- Provide on-going training to PSP team members using approved lesson plans provided by OEW.
- Provide information about PSP provisions and services to all employees.

Each new employee will receive information regarding PSP during the NEO at the local level.

The provisions of PSP shall be included in the basic academy curriculum.

The Office of Training and Professional Development shall coordinate with the OEW to ensure that all employees receive information annually at the local level.

[Sections 31020.6.5 and 31020.6.5.1 under Article 2, are relocated under Article 4, where they have been amended and renumbered Section 31040.24]

31040.4.24 Blood Donations

Revised June 22, 2011

Blood donations provide life-saving treatments to accident victims, surgery patients and many others in need. Donating blood is one of the most generous acts of kindness that one human being can do for another.

Program

The Department encourages employees to participate in blood donation programs, thus making a vital contribution to the community. The Office of Employee Wellness (OEW) is responsible for maintaining and coordinating the CDCR's blood donation program and policies.

OEW shall:

- Coordinate and facilitate CDCR's Headquarters' Blood Drive each calendar year.
- Provide assistance to Employee Assistance Program/Return to Work Coordinators who are interested in establishing a blood donation program at their facility or region.

Time Off

The Department allows up to two hours off for regular donors when back-up coverage is not required. For special donation programs such as Pheresis, actual donation time plus up to 30 minutes travel time may be approved. Supervisors retain approving authority for granting time off for blood donations.

[Existing Sections 31040.4.6 and 31040.4.7 are renumbered 31040.4.25 and 31040.4.26 respectively]

31040.4.25 Revisions

The Chief, Office of Employee Wellness, or their designee shall ensure that the content of this Article is accurate and current.

31040.4.26 References

Government Code § 19170.

Government Code Sections 3527(b), 19261, and 19572

Labor Code § 139.48

CCR, Title 15, § 3436

CCR, Title 2, § 321

DOT, Federal Motor Carrier Safety Regulations, Controlled Substances and Alcohol Use and Testing, Part 382, Title 49, Code of Federal Regulations, Part 40

SAMHSA, Mandatory Guidelines for Federal Workplace Drug Testing Programs, Sub-part B, Section 2.4, Parts, (e) and (f), 59 Federal Register 29916

DPA, Article 29, Substance Abuse, Rules 599.960 – 599.966

Governor's Executive Order D-58-86

State of California Penal Code Part 2, Title 3, Chapter 4.5, Sections 830.2(d) and 830.5

Prevailing MOU

State's Implemented Terms